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DANIEL DUDGEON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL DUDGEON,

Plaintiff,

vs.

COUNTY OF SONOMA; a municipal
Corporation; ROBERT WOODWORTH,
individually and as a deputy sheriff;
MATTHIAS WILLIAMS, individually
and as a deputy sheriff; GEORGE
MINAGLIA, individually and as a deputy
sheriff; MARK ESSICK, in his official
capacity as Sonoma County Sheriff,
DOES 1-10 individually and in official
capacities as deputy sheriffs for Sonoma
County, inclusive.

Defendants.

Case No. 3:19-cv-05615-JCS

**JOINT CASE MANAGEMENT
STATEMENT**

Date: October 22, 2021
Time: 9:30 a.m.
Via Zoom
Courtroom: F, 15th Floor
San Francisco, California
Judge: Hon. Joseph C. Spero

This Joint Case Management Statement is submitted pursuant to Civil Local Rule 16-9
and the Standing Order for All Judges in the Northern District of California jointly by

1 Defendants County of Sonoma and Robert Woodworth (collectively referred to herein as
2 “County Defendants”) and Plaintiff Daniel Dudgeon (“Plaintiff”).

3 **1. JURISDICTION AND SERVICE**

4 Parties agree to jurisdiction and venue.

5 **2. FACTS**

6 The case arises out of a confrontation at Plaintiff’s home on January 23, 2019, involving
7 Daniel Dudgeon and Deputy Robert Woodworth of the County of Sonoma Sheriff’s Office.
8 Plaintiff was struck one time in the face by Deputy Woodworth and sustained injury. The parties
9 dispute the facts leading to the use of force and reasonableness of the use of force in the light of
10 those facts and circumstances.

11 **3. LEGAL ISSUES**

- 12 **a.** Whether Defendant Woodworth violated the Fourth Amendment by using an
13 unreasonable amount of force in light of the facts and circumstances
14 confronting Deputy Woodworth at the time? *Graham v. Connor*, 490 U.S.
15 386 (1989).
- 16 **b.** Whether a County policy, practice, or custom was the moving force behind
17 the alleged violation of Plaintiff’s Fourth Amendment rights? *Monell v. Dep’t*
18 *of Soc. Servs.*, 436 U.S. 658 (1978).
- 19 **c.** Whether Defendant Woodworth can be liable for the state law claims of false
20 arrest, assault and battery by a peace officer, negligence, intentional infliction
21 of emotional distress and negligent infliction of emotional distress resulting
22 from the use of force and arrest of Plaintiff?

23 **4. MOTIONS**

24 Defendants filed their Motion for Summary Judgment, set for hearing on 10/22/21.

25 **5. AMENDMENT OF PLEADINGS**

26 Plaintiff filed a Third Amended Complaint. No other amendments are anticipated at this
27 time.

1 **6. EVIDENCE PRESERVATION**

2 Counsel have agreed to take all necessary steps to preserve all documents, electronic or
3 otherwise, related to this matter.

4 **7. DISCLOSURES**

5 The parties have exchanged initial disclosures.

6 **8. DISCOVERY**

7 After some unforeseen delays due to circumstances beyond the control of the parties, fact
8 discovery is completed. Reports of liability experts were exchanged. The parties have not
9 completed expert depositions given the pending Motion for Summary Judgment.

10 **9. CLASS ACTION**

11 This is not a class action.

12 **10. RELATED CASES**

13 None.

14 **11. RELIEF**

15 Plaintiff's complaint seeks general monetary damages, special damages, punitive and
16 exemplary damages, attorney's fees, and statutory damages as allowed by law.

17 **12. SETTLEMENT AND ADR**

18 The first Settlement Conference with Judge Tse for August 5, 2020, was continued due to
19 Plaintiff's illness. The parties attended a Settlement Conference on October 14, 2020 without
20 resolution.

21 **13. CONSENT TO MAGISTRATE JUDGE FOR ALL PURPOSES**

22 Not applicable.

23 **14. OTHER REFERENCES**

24 Other references are not appropriate at this time.

25 **15. NARROWING OF ISSUES**

26 Issues may be narrowed or the case disposed of by a motion for summary judgment.

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1 **16. EXPEDITED TRIAL PROCEDURE**

2 The case does not appear to be the type of case that could be appropriately handled under
3 the Expedited Trial Procedure.

4 **17. PRETRIAL SCHEDULE AND TRIAL DATE**

5 The parties stipulated to and the Court has ordered the following pretrial schedule:

- 6 • Expert Disclosure – 4/30/2021
7 • Expert Rebuttal Reports – 5/14/2021
8 • Close Expert Discovery - to be set following Motion
9 • Hearing for Dispositive Motions and *Daubert* Motions: 10/22/2021.
10 • Pretrial Conference – January 14, 2022, at 2:00 p.m.

11 **18. TRIAL**

12 Trial is set for January 24, 2022.

13 **19. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS**

14 As of this date, there are no such interests to report.

15 **20. GUIDELINES FOR PROFESSIONAL CONDUCT**

16 Counsel for the filing parties have reviewed the Guidelines for Professional conduct for
17 the Northern District.

18 **21. OTHER MATTERS**

19 None known at this time.

20 Dated: October 14, 2021

ROBERT H. PITTMAN, County Counsel

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22 By: /s/ Michael King
MICHAEL A. KING
23 Attorney for Defendants

24 Dated: October 14, 2021

SEVILLE BRIGGS, LLP

25
26 By: /s/ Michael R. Seville
27 MICHAEL R. SEVILLE
28 Attorney for Plaintiff
DANIEL DUDGEON